

Hon. Brian D. Lynch  
In Proceedings Under Chapter 13  
Hearing Date: September 6, 2023  
Time: 1:30 PM  
Response Date: August 30, 2023  
Location: 1717 Pacific Ave Tacoma, WA  
98402 Courtroom I

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re

Joshua Emmanuel Marroquin, Sandra Melina  
Marroquin

Debtor,

Case No: 23-40883 BDL

NOTICE AND MOTION TO AVOID JUDICIAL  
LIENS ON RESIDENTIAL PROPERTY WITH  
PROOF OF SERVICE

**NOTICE**

**PLEASE TAKE NOTICE DEBTOR(S)' MOTION TO AVOID JUDICIAL LIEN IS SET  
FOR HEARING AS FOLLOWS:**

JUDGE: Brian D. Lynch

TIME: 1:30 PM

PLACE: 1717 Pacific Ave Tacoma, WA 98402  
Court Room I

DATE: September 6, 2023

IF YOU OPPOSE the Motion, you must file your written response with the court clerk, serve two copies on the Judge's chambers and deliver copies to the undersigned NOT LATER THAN THE RESPONSE DATE, which is August 30, 2023.

**IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion, GRANT  
THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE, and strike the hearing.**

NOTICE AND MOTION TO AVOID  
JUDICIAL LIENS ON RESIDENTIAL  
PROPERTY WITH PROOF OF SERVICE -- 1

Law Office of Mark McClure, P.S.  
1103 W. Meeker Street, Suite 101  
Kent, WA 98032  
(253) 631-6484

**MOTION**

1. Debtors, Joshua Emmanuel Marroquin and Sandra Melina Marroquin, commenced this case on June 1, 2023 by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code.
2. Pursuant to 28 U.S.C. § 1334, this court has jurisdiction over this motion filed pursuant to 11 U.S.C. § 522(f) to avoid and cancel the judicial lien held by Advantis Credit Union (“Advantis”) on real property used as the Debtor’s residence.
3. Advantis obtained a judicial lien resulting from Pierce County Court Case Number 22-2-10599-8 against all real property.
4. Debtors own one property which is their residence in Pierce County, Washington with the address commonly known as 13309 16<sup>th</sup> Ave Ct. S., Tacoma, WA 98444 whose legal description is:  
Lot 6 of SHADOW WOOD ESTATES, as per Plat recorded June 6, 1984 under Recording No. 8406060202, records of Pierce County Auditor.

Situate in the County of Pierce, State of Washington.  
with parcel number is: 754550-006-0 .

5. Advantis’s judicial lien was filed and recorded in Pierce County under Pierce County Recording number 202302170301.
6. The Debtors’ interest in the property referred to in this motion and encumbered by the lien has been claimed as fully exempt in the Debtor’s bankruptcy case. The allowable exemption for Pierce County under RCW 6.13.030 for 2023 is \$554,400.00. (See ECF #1). In accord with RCW 6.13.070 “... If the value of the debtor's interest in homestead property on the petition date is less than or equal to the amount that can be exempted under RCW 6.13.030, then the debtor's entire interest in the property, including the debtor's right to possession and interests of no monetary value, is exempt. Any appreciation in the value of the debtor's exempt

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1 interest in the property during the bankruptcy case is also exempt, even if in excess  
2 of the amounts in RCW 6.13.030(1)....”

- 3 7. The value of the Debtor’s residence was approximately \$719,200.00 at the date of filing  
4 (See also ECF #1). The balance owing on the first mortgage to Rocket Mortgage is  
5 approximately \$507,874.44 as evidenced by Proof of Claim No. 8.  
6 8. Harborstone Credit Union holds a second mortgage of approximately \$59,998.00 as  
7 evidenced by the Debtors’ Schedules and relevant portion of Debtors’ Credit Report  
8 attached as an exhibit to Debtors’ Declaration in Support..  
9 9. In this case, where there is no equity in the property after accounting for the first and  
10 second mortgages and Debtors’ homestead exemption claim, there is nothing for the  
11 judgment lien holder to attach.

12 WHEREFORE, Debtor prays for an Order against Advantis Credit Union avoiding and  
13 canceling the judicial lien in the above-mentioned property in favor of the Debtor, and for such  
14 additional or alternative relief as may be deemed just and proper.

15 DATED: August 02, 2023

16 /s/ Mark C McClure

17 Mark C. McClure, WSBA # 24393  
18 Attorney for Debtor(s)

19 NOTICE AND MOTION TO AVOID  
20 JUDICIAL LIENS ON RESIDENTIAL  
21 PROPERTY WITH PROOF OF SERVICE -- 3

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